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Attorney for Idaho Power Company

RECEIVED
JUN 25 2019
WATER RESOURCES
WESTERN REGION

RECEIVED
JUN 24 2019
DEPARTMENT OF
WATER RESOURCES
C107071

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 63-34652

NOTICE OF PROTEST

In the name of Cat Creek Energy, LLC

IDAHO POWER COMPANY (the "Protestant"), by and through its attorneys of record, files this *Notice of Protest* to the approval of the above-numbered *Application for Permit* filed by CAT CREEK ENERGY, LLC (the "Applicant").

The initial bases for the protest are as follows:

1. The Applicant has failed to demonstrate that unappropriated water supply is available for the diversion of water under this application.
2. Applicant's application conflicts with the requirements of Idaho Code § 42-203A(5).
3. Pursuant to Idaho Code Section 42-1737 the Applicant must obtain the approval of the Idaho Water Resource Board. It is unclear to the Protestant whether this approval shall be a part of this application, supplemental to this contested action or subject to a separate proceeding wherein the Protestant's interests may be protected.
4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 24th day of June, 2019.

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson

Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 2019, I served the original of the foregoing **NOTICE OF PROTEST**, by hand-delivering or depositing same in the U.S. Mail, postage prepaid, as indicated, addressed to the following:

Idaho Department of Water Resources
Idaho Water Center
322 East Front Street
Boise, Idaho 83702-7374

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Cat Creek Energy, LLC
398 S. 9th Street, Ste. 240
Boise, Idaho 83702

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Idaho Water Engineering
Attn: David Tuthill, Jr.
2918 N. El Rancho Pl.
Boise, Idaho 83704

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email



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